

BRIAN C. LEIGHTON, CA BAR # 090907
LAW OFFICES OF BRIAN C. LEIGHTON
701 Pollasky Avenue
Clovis, California 93612
Telephone (559) 297-6190
Facsimile (559) 297-6194
E-mail: kbarker@arrival.net

Attorney for Plaintiffs

WILMER CUTLER PICKERING HALE and DORR LLP
Seth P. Waxman (admitted *pro hac vice*)
Randolph D. Moss (admitted *pro hac vice*)
Todd Zubler (admitted *pro hac vice*)
Brian M. Boynton #222193
1875 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
Telephone (202) 663-6000
Facsimile (202) 663-6363
E-mail: seth.waxman@wilmerhale.com

Attorneys for Defendant

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
AT FRESNO**

DELANO FARMS COMPANY, a)
Washington corporation; THE SUSAN)
NEILL COMPANY, a California)
corporation; LUCAS BROS.)
PARTNERSHIP, a California partnership,)
Plaintiffs,)
v.)
THE CALIFORNIA TABLE GRAPE)
COMMISSION,)
Defendant.)

CASE NO. CV-F-96-6053 OWW/DLB

**STIPULATION TO CONTINUE HEARING
ON THE PARTIES' CROSS-MOTIONS
FOR SUMMARY JUDGMENT AND
ORDER THEREON**

CURRENT DATE: October 6, 2006
TIME: 9:00 a.m.

NEW DATE: October 12, 2006
NEW TIME: 9:00 a.m.

CTRM: 3, Hon. Oliver W. Wanger

WHEREAS the hearing on the parties' cross-motions for summary judgment has been continued on the court's own motion, through its minute order, from August 11, 2006 to October 6, 2006 at 9:00 a.m. in Courtroom Three (3) before the Honorable Judge Oliver W. Wanger.

WHEREAS Plaintiffs' counsel has a personal engagement on that date and it cannot be continued or moved up to an earlier date.

WHEREAS Defendant's counsel has consented to Plaintiff's counsel continuing the hearing on the parties' cross-motion for summary judgment to Thursday, October 12, 2006 at the hour of 9:00 a.m in Courtroom Three (3) before the Honorable Judge Oliver W. Wanger.

IT IS HEREBY STIPULATED by the parties to above-entitled matter, through their respective counsel of record herein, that the hearing on the parties' cross-motions for summary judgment be continued to Thursday, October 12, 2006 at the hour of 9:00 a.m in Courtroom Three (3) before the Honorable Judge Oliver W. Wanger.

DATED: August 2, 2006

/S/ BRIAN C. LEIGHTON
BRIAN C. LEIGHTON, attorney for Plaintiffs

DATED: August 2, 2006

WILMER CUTLER PICKERING HALE
and DORR LLP

By /S/ BRIAN M. BOYNTON
BRIAN M. BOYNTON

Counsel for Defendant The California Table
Grape Commission

ORDER

IT IS SO ORDERED.

Dated: August 3, 2006
emm0d6

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE